

Equal Employment for Individuals with Disabilities Policy, 2.01

Chapter 2: Personnel

Responsible Office: Human Resources

Applies to: Faculty, Staff and Adjuncts

Approved: 09/20/2022

Policy: Discrimination against qualified individuals with disabilities is prohibited at Rhodes State College. Pursuant to Titles I and II of the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973, the College provides equal employment opportunities and reasonable accommodation for qualified individuals with disabilities.

I. Definitions:

- a. **Disability:** A physical or mental impairment that substantially limits one or more of the major life activities of an individual or a record of such an impairment or being regarded as having such an impairment.
 - a1. **Major Life Activities:** Include caring for one's self, performing manual tasks, walking, sitting, standing, lifting, reaching, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive.
 - a2. **Substantially Limits:** An impairment is substantially limiting if it significantly restricts the duration, manner, or condition under which an individual can perform a particular major life activity as compared to the average person in the general population's ability to perform that same major life activity.
- b. **Qualified Individual with a Disability:** An individual with a disability who, with or without reasonable accommodation, can perform essential functions of the employment position that such individual holds or desires.
- c. **Essential Job Functions:** Those functions actually performed in the job, the removal of which would fundamentally alter the position.
- d. **Reasonable Accommodation:** A modification or adjustment to a job, the work environment, or the way things are done that enables a qualified individual with a disability to perform essential job functions. Such accommodation is required unless it poses an undue hardship on the employer.
- e. **Undue Hardship:** Any accommodation which is substantial, or disruptive or would be unduly costly to the College or that would fundamentally alter the nature or operation of the unit.

II. Regulations:

- a. The College shall not discriminate in employment against a qualified person, in regard to any employment practice or term, condition and privilege of employment, because that person currently has a disability or because the person had a disability but no longer has that impairment, or because the person is regarded as having a disability. The College shall not deny an employment opportunity or benefit or otherwise discriminate against an individual, whether or not that individual has a disability, because that individual has a known relationship or association with a person who has a disability. This prohibition applies to job application procedures, hiring, advancement or discharge of

employees, employee compensation, job training, and all other terms and conditions of employment.

- b. The College will determine essential job functions based on an individualized inquiry into each position filled and to determine whether the person with a disability can perform these functions unaided or with reasonable accommodation.
- c. The College shall not to use qualification standards or selective criteria which would screen out or tend to screen out individuals with disabilities unless such measures are both job-related and necessary to the safe and efficient operation of the College.
- d. The affirmative obligation to provide reasonable accommodation applies to individuals seeking employment with the College as well as to current staff members who become disabled while employed with the College.

III. Responsibilities:

- a. The Office of Human Resources is responsible for the coordination and implementation of this policy and guidelines.
- b. The Office of Human Resources will work in consultation with the respective Vice Presidents, Executive Directors, Deans, Directors and/or Department Chairs to implement and disseminate this policy. Each of these employees are responsible for assuring compliance with this policy for their department and/or unit.
- c. It is the obligation of every faculty and staff member of the College to adhere to this policy.

IV. Grievances:

Individuals who believe they have been treated in a discriminatory manner in violation of this policy are encouraged to contact the Office of Human Resources. The Executive Director of Human Resources is available to consult and provide assistance relative to complaints of this nature and to facilitate the resolution of such problems in a manner which is fair and equitable for the individual and which is consistent with the College's [Nondiscrimination Policy 2.03](#). The first efforts in response to a complaint shall be made on an informal basis.

Related Policies or Procedures:

[Nondiscrimination Policy 2.03](#)

Compliance References:

Americans with Disabilities Act (ADA) of 1990 and the ADA as Amended (2008)

Section 504 of the Rehabilitation Act of 1973

History:

	Date:	Reason:
Issued:	09/20/2022	Approves BOT Policy approved 3/16/1993
Revised:	MM/DD/YY	

This policy and / or procedure provides operating principles for Human Resources issues at Rhodes State College. It supersedes any prior policy covering specific subject. This policy and / or procedure may be suspended, modified or cancelled as determined by the College. This policy and / or procedure does not create a contract of employment, nor is it a condition of employment between the College and its employees.